

Executive Summary – Enforcement Matter – Case No. 48036
D-Bar-B Water-Wastewater Supply Corporation
RN101441293
Docket No. 2013-2192-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

D Bar B Mobile Home Ranch, 2870 Dowdy Ferry Road, approximately 1/2 mile north of the point where Dowdy Ferry Road crosses the Trinity River, on the east side of Dowdy Ferry Road, Dallas County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 4, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,123

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$523

Total Paid to General Revenue: \$100

Total Due to General Revenue: \$3,500

Payment Plan: 35 payments of \$100 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Docket No. 2013-2192-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 23, 2013

Date(s) of NOE(s): November 26, 2013

Violation Information

1. Failed to comply with permitted effluent limits for ammonia nitrogen and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014628001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to timely submit effluent monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014628001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By August 31, 2013, upgraded the motor attached to an existing blower and returned to compliance with all permitted effluent limits at the Facility; and
- b. By November 15, 2013, submitted the monitoring results for ammonia nitrogen daily average for the monthly monitoring period ending February 28, 2013, and *E. coli* daily average for the quarterly monitoring period ending June 30, 2013.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Had Darling, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-2520; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Doris Vallian, Board President, D-Bar-B Water-Wastewater Supply
Corporation, 2870 Dowdy Ferry Road, Trailer 95, Dallas, Texas 75217-8314

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned
PCW

2-Dec-2013
22-Jan-2014

Screening 13-Dec-2013

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent D-Bar-B Water-Wastewater Supply Corporation

Reg. Ent. Ref. No. RN101441293

Facility/Site Region 4-Dallas/Fort Worth

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 48036

Docket No. 2013-2192-MWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 2

Order Type Findings

Government/Non-Profit Yes

Enf. Coordinator Had Darling

EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum \$0

Maximum \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$4,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

22.0% Enhancement

Subtotals 2, 3, & 7

\$935

Notes

Enhancement for three months of self-reported effluent violations, one NOV with dissimilar violations, and one NOV with same/similar violations.

Culpability

No

0.0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

-\$1,062

Economic Benefit

0.0% Enhancement*

Subtotal 6

\$0

Total EB Amounts \$502

Approx. Cost of Compliance \$10,050

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$4,123

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$4,123

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$4,123

DEFERRAL

0.0%

Reduction

Adjustment

\$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$4,123

Screening Date 13-Dec-2013

Docket No. 2013-2192-MWD-E

PCW

Respondent D-Bar-B Water-Wastewater Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 48036

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101441293

Media [Statute] Water Quality

Enf. Coordinator Had Darling

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for three months of self-reported effluent violations, one NOV with dissimilar violations, and one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 22%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 22%

Screening Date 13-Dec-2013

Docket No. 2013-2192-MWD-E

PCW

Respondent D-Bar-B Water-Wastewater Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 48036

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101441293

Media [Statute] Water Quality

Enf. Coordinator Had Darling

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014628001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on October 23, 2013, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

246 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent achieved compliance on August 31, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$500

Violation Final Penalty Total \$3,638

This violation Final Assessed Penalty (adjusted for limits) \$3,638

Economic Benefit Worksheet

Respondent D-Bar-B Water-Wastewater Supply Corporation

Case ID No. 48036

Reg. Ent. Reference No. RN101441293

Media Water Quality

Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Aug-2012	31-Aug-2013	1.00	\$500	n/a	\$500

Notes for DELAYED costs

Estimated cost to upgrade the motor attached to an existing blower and return to compliance with all permitted effluent limits. Date required is the initial date of noncompliance. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$500

Screening Date 13-Dec-2013

Docket No. 2013-2192-MWD-E

PCW

Respondent D-Bar-B Water-Wastewater Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 48036

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101441293

Media [Statute] Water Quality

Enf. Coordinator Had Darling

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014628001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit effluent monitoring results at the intervals specified in the permit, as documented during a record review conducted on October 23, 2013. Specifically, the Respondent failed to timely report the results for ammonia nitrogen single grab for the monthly monitoring period ending February 28, 2013, and Escherichia coli ("E. coli") daily average for the quarterly monitoring period ending June 30, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			x

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

58 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$125

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance on November 15, 2013.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$485

This violation Final Assessed Penalty (adjusted for limits) \$485

Economic Benefit Worksheet

Respondent D-Bar-B Water-Wastewater Supply Corporation
Case ID No. 48036
Reg. Ent. Reference No. RN101441293
Media Water Quality
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Mar-2013	15-Nov-2013	0.66	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost (\$25 each) to submit revised Discharge Monitoring Reports ("DMRs") for February 2013 and June 2013 to include the missing parameters for ammonia nitrogen and E. coli. Date required is the date the first DMR was due. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

D-Bar-B Water-Wastewater Supply Corporation
TPDES Permit No. WQ0014628001
Docket No. 2013-2192-MWD-E

Effluent Violation Table				
Monitoring Period	Permitted Effluent Limits			
	Ammonia Nitrogen Daily Average Concentration Limit = 3 mg/L	Ammonia Nitrogen Single Grab Concentration Limit = 15 mg/L	Ammonia Nitrogen Daily Average Loading Limit = 0.6 lbs/day	TSS Daily Average Concentration Limit = 15 mg/L
August 2012	15.94	32.4	c	c
September 2012	22.28	38.2	c	c
October 2012	4.0	c	c	c
November 2012	9.97	28.4	c	c
December 2012	28.7	38.3	0.623	c
January 2013	30.95	40.2	c	c
May 2013	6.59	22.7	c	c
July 2013	c	c	c	23

TSS = total suspended solids
mg/L = milligrams per liter
lbs/day = pounds per day
c = compliant



Compliance History Report

PUBLISHED Compliance History Report for CN602716359, RN101441293, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN602716359, D-Bar-B Water-Wastewater Supply Corporation	Classification: SATISFACTORY	Rating: 2.80
Regulated Entity:	RN101441293, D BAR B MOBILE HOME RANCH	Classification: SATISFACTORY	Rating: 2.80
Complexity Points:	8	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	2870 Dowdy Ferry Road, approximately 1/2 mile north of the point where Dowdy Ferry Road crosses the Trinity River, on the east side of Dowdy Ferry Road in Dallas County, Texas		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s):			
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	0570082	WASTEWATER EPA ID	TX0032212
WASTEWATER PERMIT	WQ0014628001	WATER LICENSING LICENSE	0570082
UTILITIES REGISTRATION	13140	UTILITIES REGISTRATION	13140
Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013
		Rating Date:	09/01/2013
Date Compliance History Report Prepared:	January 22, 2014		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	January 22, 2009 to January 22, 2014		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Herbert Darling	Phone:	(512) 239-2520

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 31, 2009	(767180)
Item 2	February 16, 2012	(991066)
Item 3	March 13, 2012	(998432)
Item 4	July 18, 2012	(1032031)
Item 5	March 18, 2013	(1130010)

Item 6	April 17, 2013	(1096174)
Item 7	May 17, 2013	(1107115)
Item 8	July 18, 2013	(1117651)
Item 9	September 19, 2013	(1130011)
Item 10	October 21, 2013	(1135757)
Item 11	November 21, 2013	(1141152)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 01/31/2013 (1079961) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 05/31/2013 (1110765) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 07/31/2013 (1125432) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 08/23/2013 (1104970) CN602716359
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(e)
Description: Sewer mains and potable water lines noted as too close (same trench) in system inspection on 5/15/97.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(C)
Description: Well casing not properly sealed.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)
Description: Roof falling in.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)
Description: No Pressure maintenance facilities.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
Description: Failure to obtain approval for Well Number 1 prior to use.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to provide a plant operations manual.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)
Description: Failure to cover and design, fabricate, erect, test and disinfect in strict accordance with current American Water Works Association (AWWA) standards, all facilities for potable water storage.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
Description: Failure to provide each ground storage tank with a vent of the gooseneck or roof ventilator type, designed to prevent possible entry of dust, birds, insects or any contaminants.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)
Description: Failure to maintain copies of well completion data.
- 5 Date: 12/11/2013 (1124678) CN602716359
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)
WQ0014628-001 PERMIT

Description: Failure to ensure the WWTP is operated at the frequency required by an adequately licensed operator.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to utilize an approved method of disinfection.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0014628-001 PERMIT
Description: Failure to comply with the permit effluent limitations for field parameters during the investigation.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 1/22/2009 and 1/22/2014

1	Date: 07/31/2008 (751779) CN602716359	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
2	Date: 10/31/2008 (751782) CN602716359	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
3	Date: 11/30/2008 (751783) CN602716359	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
4	Date: 01/31/2009 (751776) CN602716359	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
5	Date: 02/28/2009 (769544) CN602716359	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
6	Date: 03/31/2009 (751777) CN602716359	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
7	Date: 04/30/2009 (769545) CN602716359	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
8	Date: 05/31/2009 (808295) CN602716359	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
9	Date: 06/30/2009 (808296) CN602716359	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
10	Date: 07/31/2009 (808297) CN602716359	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	
11	Date: 08/31/2009 (808298) CN602716359	
	Self Report? YES	Classification: Moderate

	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
12	Date:	09/30/2009 (808299)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
13	Date:	10/31/2009 (808300)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
14	Date:	11/30/2009 (845188)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
15	Date:	12/31/2009 (808301)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
16	Date:	01/31/2010 (808294)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
17	Date:	02/28/2010 (832208)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
18	Date:	03/31/2010 (832209)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
19	Date:	04/30/2010 (832210)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
20	Date:	05/31/2010 (846682)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
21	Date:	06/30/2010 (861220)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
22	Date:	07/31/2010 (867338)	CN602716359	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		

30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

23 Date: 08/31/2010 (874377) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

24 Date: 05/31/2011 (953111) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

25 Date: 06/01/2011 (920273) CN602716359
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0014628-001 PERMIT
Description: Failure to comply with dissolve oxygen and total residual chlorine grab effluent limits.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
WQ0014628-001 PERMIT
Description: Failure to maintain treatment units.

Self Report? NO Classification: Moderate
Citation: TWC Chapter 26 26.121
WQ0014628-001 PERMIT
Description: Failure to discharge treated effluent into the water body authorized in the permit, Upper Trinity River in Segment 0805 of the Trinity River Basin.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0014628-001 PERMIT
Description: Failure to comply with effluent ammonia nitrogen grab sample limit of 15 mg/L.

26 Date: 06/30/2011 (959764) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

27 Date: 07/31/2011 (959765) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

28 Date: 08/31/2011 (965800) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

29 Date: 09/30/2011 (971842) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

30 Date: 12/31/2011 (991068) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

31 Date: 01/31/2012 (998433) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
32	Date: 02/29/2012 (1003964)	CN602716359	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
33	Date: 03/31/2012 (1024657)	CN602716359	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
34	Date: 04/30/2012 (1016909)	CN602716359	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
35	Date: 05/31/2012 (1024658)	CN602716359	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
36	Date: 07/31/2012 (1062809)	CN602716359	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
37	Date: 08/02/2012 (1015952)	CN602716359	
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to comply with the effluent permit limit for total residual chlorine.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)		
	WQ0014628-001 PERMIT		
	Description: Failure to comply with the effluent permit limits for NH3N, TSS and TRC.		
38	Date: 08/31/2012 (1062810)	CN602716359	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
39*	Date: 09/30/2012 (1062811)	CN602716359	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
40*	Date: 10/31/2012 (1062812)	CN602716359	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
41*	Date: 11/30/2012 (1062813)	CN602716359	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
42*	Date: 12/31/2012 (1079962)	CN602716359	

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

43* Date: 01/31/2013 (1079961) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

44* Date: 05/31/2013 (1110765) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

45* Date: 07/31/2013 (1125432) CN602716359
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

46* Date: 08/23/2013 (1104970) CN602716359
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(e)
Description: Sewer mains and potable water lines noted as too close (same trench) in system inspection on 5/15/97.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(C)
Description: Well casing not properly sealed.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)
Description: Roof falling in.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)
Description: No Pressure maintenance facilities.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
Description: Failure to obtain approval for Well Number 1 prior to use.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to provide a plant operations manual.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)
Description: Failure to cover and design, fabricate, erect, test and disinfect in strict accordance with current American Water Works Association (AWWA) standards, all facilities for potable water storage.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
Description: Failure to provide each ground storage tank with a vent of the gooseneck or roof ventilator type, designed to prevent possible entry of dust, birds, insects or any contaminants.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)
Description: Failure to maintain copies of well completion data.

47 Date: 12/11/2013 (1124678) CN602716359
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)
WQ0014628-001 PERMIT
Description: Failure to ensure the WWTP is operated at the frequency required by an adequately licensed operator.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to utilize an approved method of disinfection.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0014628-001 PERMIT

Description: Failure to comply with the permit effluent limitations for field parameters during the investigation.

* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B**All Investigations Conducted During Component Period January 22, 2009 and January 22, 2014**

Item 1	March 09, 2009**	(751776)
Item 2	March 16, 2009**	(769544)
Item 3	April 17, 2009**	(751777)
Item 4	May 18, 2009**	(769545)
Item 5	June 17, 2009**	(808295)
Item 6	July 16, 2009**	(808296)
Item 7*	August 31, 2009**	(767180)
Item 8	September 17, 2009**	(808297)
Item 9	October 14, 2009**	(808299)
Item 10	December 14, 2009**	(845188)
Item 11	December 17, 2009**	(808300)
Item 12	January 14, 2010**	(808301)
Item 13	February 18, 2010**	(808294)
Item 14	March 17, 2010**	(832208)
Item 15	April 15, 2010**	(832209)
Item 16	May 17, 2010**	(832210)
Item 17	June 16, 2010**	(846682)
Item 18	August 20, 2010**	(861220)
Item 19	September 03, 2010**	(844467)
Item 20	September 17, 2010**	(874377)
Item 21	June 01, 2011**	(920273)
Item 22	June 20, 2011**	(953111)
Item 23	June 23, 2011**	(934723)
Item 24	July 12, 2011**	(937694)
Item 25	July 20, 2011**	(959764)
Item 26	August 31, 2011**	(959765)
Item 27	September 22, 2011**	(965800)
Item 28	November 02, 2011**	(971842)
Item 29	January 18, 2012**	(1079962)
Item 30*	February 16, 2012**	(991066)
Item 31	March 13, 2012**	(1016909)
Item 32	March 16, 2012**	(1003964)
Item 33	June 25, 2012**	(1024657)
Item 34*	July 18, 2012**	(1032031)
Item 35	August 06, 2012**	(1015952)
Item 36	September 19, 2012**	(1062810)
Item 37	October 12, 2012**	(1036999)
Item 38	October 18, 2012**	(1062811)
Item 39	November 19, 2012**	(1062812)
Item 40	December 19, 2012**	(1062813)

Item 41	December 27, 2012**	(1062809)	For Informational Purposes Only
Item 42	January 10, 2013**	(1052938)	For Informational Purposes Only
Item 43	February 19, 2013**	(1079961)	For Informational Purposes Only
Item 44*	March 18, 2013**	(1130010)	For Informational Purposes Only
Item 45*	April 17, 2013**	(1096174)	For Informational Purposes Only
Item 46*	May 17, 2013**	(1107115)	For Informational Purposes Only
Item 47	June 20, 2013**	(1110765)	For Informational Purposes Only
Item 48*	July 18, 2013**	(1117651)	For Informational Purposes Only
Item 49	August 21, 2013**	(1125432)	For Informational Purposes Only
Item 50*	September 19, 2013	(1130011)	For Informational Purposes Only
Item 51	September 23, 2013	(1104970)	For Informational Purposes Only
Item 52*	October 21, 2013	(1135757)	For Informational Purposes Only
Item 53*	November 21, 2013	(1141152)	For Informational Purposes Only
Item 54	November 26, 2013	(1124818)	For Informational Purposes Only
Item 55	December 11, 2013	(1124678)	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
D-BAR-B WATER-WASTEWATER
SUPPLY CORPORATION
RN101441293**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-2192-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding D-Bar-B Water-Wastewater Supply Corporation ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 2870 Dowdy Ferry Road, approximately 1/2 mile north of the point where Dowdy Ferry Road crosses the Trinity River, on the east side of Dowdy Ferry Road in Dallas County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on October 23, 2013, TCEQ staff documented the following from self-reported discharge monitoring reports:

Effluent Violation Table				
Monitoring Period	Permitted Effluent Limits			
	Ammonia Nitrogen Daily Average Concentration Limit = 3 mg/L	Ammonia Nitrogen Single Grab Concentration Limit = 15 mg/L	Ammonia Nitrogen Daily Average Loading Limit = 0.6 lbs/day	TSS Daily Average Concentration Limit = 15 mg/L
August 2012	15.94	32.4	c	c
September 2012	22.28	38.2	c	c
October 2012	4.0	c	c	c
November 2012	9.97	28.4	c	c
December 2012	28.7	38.3	0.623	c
January 2013	30.95	40.2	c	c
May 2013	6.59	22.7	c	c
July 2013	c	c	c	23

TSS = total suspended solids
mg/L = milligrams per liter
lbs/day = pounds per day
c = compliant

4. During a record review conducted on October 23, 2013, TCEQ staff documented the Facility did not timely submit monitoring results for ammonia nitrogen single grab for the monthly monitoring period ending February 28, 2013, and *Escherichia coli* ("E. coli") daily average for the quarterly monitoring period ending June 30, 2013.

5. The Respondent received notice of the violations on December 7, 2013.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By August 31, 2013, upgraded the motor attached to an existing blower and returned to compliance with all permitted effluent limits at the Facility; and
 - b. By November 15, 2013, submitted the monitoring results for ammonia nitrogen daily average for the monthly monitoring period ending February 28, 2013, and *E. coli* daily average for the quarterly monitoring period ending June 30, 2013.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014628001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit effluent monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0014628001, Monitoring and Reporting Requirements No. 1.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Four Thousand One Hundred Twenty-Three Dollars (\$4,123) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Revenue Operations Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Five Hundred Twenty-Three Dollars (\$523) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid One Hundred Dollars (\$100) of the undeferred administrative penalty. The remaining amount of Three Thousand Five Hundred Dollars (\$3,500) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Four Thousand One Hundred Twenty-Three Dollars (\$4,123) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: D-Bar-B Water-Wastewater Supply Corporation, Docket No. 2013-2192-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the respondent becomes aware

of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

12/17/14
Date

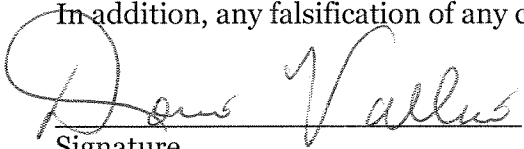
I, the undersigned, have read and understand the attached Agreed Order in the matter of D-Bar-B Water-Wastewater Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of D-Bar-B Water-Wastewater Supply Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, D-Bar-B Water-Wastewater Supply Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

6/4/2014
Date

Doris Vallian
Name (Printed or typed)
Authorized Representative of
D-Bar-B Water-Wastewater Supply Corporation

D Bar BWWSL board pres. dor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.